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Empowering Communities, Advocating Solutions.

Testimony to the CGA Environment Committee
Testimony by Citizens Campaign for the Environment
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Senator Kennedy, Representative Albis, distinguished members of the Environment Committee, thank you for the opportunity to testify today.

My name is Louis Burch, Connecticut Program Coordinator for Citizens Campaign for the Environment (CCE). Supported by over 80,000 members in Connecticut and New York State, CCE works to empower communities and advocate solutions that protect public health and the natural environment. CCE would like to offer the following testimony:

HB 6957: An Act Establishing a Household Battery Recycling Stewardship Program (CONDITIONALLY SUPPORTIVE)

Household and industrial batteries contain a variety of hazardous materials, including heavy metals such as mercury, manganese, and cadmium. These materials are highly toxic and have the potential to contaminate soil and water resources when not disposed of properly. CCE strongly supports Connecticut in setting up a strong battery recycling program for primary and secondary batteries, but has concerns about a number of provisions which I will lay out in detail:

- In Section 1(7), "consumer product" is defined as any product that is purchased to be used for personal, family or household purposes. Also, this section explicitly excludes any product primarily purchased for industrial or business use. The battery industry model language covers all "household" type batteries, regardless if they come from households or hospitals. CCE recommends using this model, as many instruments used in hospitals and in home health care services use the same kinds of batteries as appliances used around the home.

- In Section 1(11) "Primary batteries" are defined as rechargeable or nonrechargeable batteries that weigh two kilograms or less, including alkaline, carbon-zinc and lithium metal batteries. The definition of primary batteries should not include rechargeable batteries, which are sometimes referred to as "secondary batteries." The definition used in the industry model is appropriate in this case:

"Primary battery" means a nonrechargeable battery that weighs 2 kilograms or less, including, but not limited to, alkaline, carbon-zinc, and lithium metal, that is typically generated as waste, as defined in CT statutes[enter section here]

- Business to business and institutional batteries should not be exempt from this program as this will increase the likelihood that many of these batteries will wind up in incinerators or dumped. A strong, meaningful battery take back system would work best if there are economies of scale that include all these types of batteries going into the producer take back system.

- In section 2, any section that contains any mention of a "primary battery" should be amended to read "primary or small rechargeable battery" to maintain consistency with the definition we have recommended for Section 1(11).

- Section 2(6) requires *"a detailed method of management for discarded primary batteries that ensures that the components of primary batteries collected from consumers, to the extent economically and technically feasible, are recycled".*

  This is alarmingly weak language on recycling and it defeats the purpose of passing legislation to set up a comprehensive battery recycling program. Furthermore, it would set a bad precedent for other states that may look to the Connecticut law as a model in setting up their own battery stewardship programs. At the very least there should be reporting on the disposition of the collected materials based on a hierarchy:

  I. closed loop battery-to-battery recycling;
  II. recycling which replaces virgin material in recyclable products;
  III. downcycling (replaces virgin material in non-recyclable products), and finally;
  IV. downcycling into products which do not necessarily need the specific recovered materials (i.e. road slag).

  An alternative suggested by battery recycling companies would read:

  "that batteries are processed in such a manner that at least 60% of primary batteries (by weight) are returned to economic mainstream in the form of material that displaces the use of raw materials for the manufacture of products."

  A strong battery stewardship program for primary and secondary batteries must use a recycling performance standard that ensures the highest and best possible use of recycled materials over time. CCE strongly recommends that DEEP be required to determine a "recycling efficiency rate" that is revised every two years that determines the best available recycling technology and sets goals based on a hierarchy of highest and the best use of recycled materials.

- Section 2(b)(9) & (10) require a performance goal that's related to the weight of what is sold into the state. Reaching that performance goal would allow a battery company or battery stewardship organization to get reimbursement from other battery companies or stewardship organizations. However, it is unclear who would actually set performance goals and what standard would be used.

  Goals can be set in one of three ways:
  1) Goals are set in statute;
  2) Statute gives the oversight agency (DEEP) the authority to set goals; or
  3) Stewardship organization(s) set their own goals in their plans, but the oversight agency has the authority to change, approve, or reject them. Goals should apply equally to all manufacturers and stewardship plans.

- Section 4(e) says that any primary battery stewardship plan approved by the commissioner shall be valid for a period of no more than five years, provided that the primary battery producer or primary battery stewardship organization remains in compliance with the requirements of the terms of such approved plan. CCE recommends requiring regular plan reviews (at least every two years) in case revisions are needed.

- Section 5 requires each producer or primary battery stewardship organization to submit a report to the commissioner on an annual basis, but does not explicitly create a mechanism for the commissioner to review and accept or deny the producers' plan revisions. To ensure the highest and best possible use of recycled materials, DEEP should be required to review and approve newly proposed revisions using the highest possible performance standards.

- Section 13 says that the DEEP Commissioner *may* adopt regulations to implement the provisions of sections 2 to 15 of this act. CCE strongly supports amending this section to read "the commissioner *shall* adopt regulations…"

In conclusion, CCE supports the concept of this legislation- to set up a statewide battery recycling program for single-use and rechargeable batteries that: internalizes recycling costs to the manufacturer, includes strong collection targets, and uses a recycling performance standard that ensures the highest and best possible use of recycled materials over time. Unfortunately, in its current form, the language in this bill is weak and confusing and needs significant re-working to achieve a strong and meaningful battery recycling program in Connecticut.

HB 5286: An Act Prohibiting the Import and Sale of Cosmetics that Contain Microbeads (SUPPORTIVE)

Synthetic plastics are omnipresent and are used in almost every part of daily life. Unfortunately, they require billions of gallons of fossil fuels to produce and are virtually indestructible, meaning that they persist in the environment for thousands of years. The United States alone produces over 115 billion pounds of new plastics annually, and the vast majority of them are used to make single-use and disposable products, which inevitable end up in the environment. Once they get into our environment, plastics pollute our food and water resources, threatening wildlife and human health.

Polyethylene and polypropylene *microbeads* have become a popular ingredient used in over 100 different personal care products on the market today. Manufacturers use these tiny plastic particles as an abrasive or exfoliating agent in a wide variety of facial scrubs, soaps, cosmetics, and even toothpastes. Researchers estimate that a single product can contain as many as 350,000 plastic microbeads. Once they are washed down the drain, microbeads enter into our wastewater stream, and potentially the environment, where they pose a direct threat to aquatic wildlife and contribute to the growing plasticity of our oceans.

Microbeads enter into waterways through sewage overflows and by passing through sewage treatment plants, which, absent costly retrofits, are typically not equipped to remove them from the wastewater stream. They flow into our rivers, lakes and streams, eventually reaching Long Island Sound and the Ocean. Scientists have found microplastic particles in every major waterway in the world. A recent survey done in Lake Ontario found as many 1.1 million plastic particles floating around per square kilometer.

Once in the water, microbeads act like tiny sponges, acting as a transport mechanism for toxics such as poly-aromatic hydrocarbons (PAHs), flame retardants (e.g., PCBs), and bisphenol-A (BPA). Microbeads, like most plastics in our environment, are frequently mistaken for food and eaten by small fish and aquatic wildlife. Research shows that when fish and aquatic life consume plastic, chemicals contained in the plastics *bio-accumulate* in their bodies, meaning that they store themselves in the organism's fatty tissues, where they can be passed up the food chain to larger fish, wildlife, and ultimately humans.

Industry claims that "biodegradable plastic" microbeads provide a viable solution, which is misleading and completely unfounded, as plastics made from corn syrup and soybean oils are designed to p*hoto-degrade*, or break down when exposed to heat and direct sunlight. When plant-based plastics become suspended in a marine environment, they are *not* exposed to the conditions needed to break them down properly. Thus, plastics derived from plant-based materials do not biodegrade and still pose a significant threat to aquatic wildlife. They do not solve the problem, they merely continue the cycle of damage to our environment. Fortunately, safer, non-polluting alternatives to plastic microbeads are cost-effective and already on the market. Materials such as pumice, sea salt, and ground cocoa beans are biodegradable and do not carry the same adverse impact on the environment as plastics do.

Despite their growing popularity, it is clear that the dangers microbeads pose to our environment far outweigh their benefits. Acknowledging the devastating impacts plastics are having on the environment, certain manufacturers have already taken steps to eliminate plastic microbeads from the products they sell. These include Unilever and Proctor & Gamble, both worldwide leaders in the manufacture and sale of personal care products. Unfortunately, many more continue to use plastic microbeads in the products they sell. **CCE strongly supports legislation that would protect our precious waterways by prohibiting the import and sale of all personal care products containing plastic microbeads, and respectfully urges this committee to pass this legislation as soon as possible.**

SB 366: An Act Extending the Ban on the Use of Lawn Care Pesticides to Schools that House Grades Nine to Twelve, Inclusive, and to State Facilities (CONDITIONALLY SUPPORTIVE)

CCE supports the concept of this legislation, which is to increase children's health protections in Connecticut by extending the current law to prohibit pesticides on high school playing fields and state operated facilities. However, the language in its current form requires significant changes to clarify legislative intent and to guarantee safe implementation.

Long-term exposure to pesticides has been linked to an increased incidence of cancer, including Leukemia and non-Hodgkin lymphoma. Children are more susceptible to the dangers of pesticide exposure than adults, due to their small size and rapidly developing bodies, close proximity to the ground, and tendency to put hands and objects in their mouths.

The U.S. Environmental Protection Agency, National Academy of Sciences, and American Public Health Association, and others, acknowledge the hazards that exposure to pesticides pose to a child's health, and recommend eliminating these exposures wherever possible. Connecticut was the first state in the nation to prohibit pesticides on K-6 school grounds in 2005, sending a strong message to industry that safeguarding children's health was the clear priority. That policy was then expanded in 2007 to include day care facilities, and again in 2009 to include middle school playing fields. **The gradual expansion of this policy demonstrates a growing body of knowledge among the health sciences community and the CT General Assembly around this serious children's health issue, and must be allowed to continue.**

The ban on toxic pesticides for day care facilities and K-8 schools is an important starting point, but the CT legislature can and should do more to protect children by expanding the law to prohibit toxic pesticides on high school playing fields, state and municipal parks, and public playing fields, where children's exposure rates are high. Fortunately, effective and affordable alternatives to pesticides exist and are widely available. With the proper training, pests and weeds can be managed effectively with readily available and affordable non-toxic alternatives. CCE strongly supports expanding current state law to require non-toxic pest control practices wherever small children are found at play, but recommends the following changes:

- Clarification is needed on the definition of "lawncare pesticide" so that this legislation is not interpreted as prohibiting the use of pesticides to treat trees, shrubs and invasive plants that are not typically found on lawns and athletic fields. For the purposes of this section, "lawncare pesticide" should be defined as *"a pesticide registered by the United States Environmental Protection Agency for use on lawns, athletic fields and short grassy areas".*

  Alternative language for section 1(b) might read:

  "No person shall apply a lawn care pesticide on the <u>short-grass lawns and playing fields</u> of any public or private preschool or public or private school with students in grade twelve or lower"

- *Section 2* eliminates the requirement for an IPM plan to deal with pest problems in school buildings and in other low traffic areas. The original law prohibiting the use of pesticides on school grounds did not eliminate the need for indoor IPM. Limiting the ban to apply to lawns and short grass playing fields would require an IPM plan to guide the use of lawn pesticides on sidewalks, roads, parking lots, trees, and ornamental plants.

Additionally, an IPM plan will be necessary as high school fields are transitioned to nontoxic care.

CCE strongly supports expanding children's health protections in Connecticut by prohibiting toxic pesticides on high school playing fields and state facilities, but urges caution to ensure that this legislation does not prohibit the targeted application of pesticides to treat pest problems on trees, shrubs and ornamentals. Additionally, the intent of this legislation is not to prohibit IPM practices inside school buildings and should be amended as appropriate.

HB 1063: AAC the Application of Pesticides on School Grounds and Certain Public Spaces, Authorizing the Use of Certain Microbials and Reestablishing the Pesticide Advisory Council (OPPOSED)

While CCE supports the stated intention of this legislation (to eliminate pesticides on high school athletic fields and public parks), there are certain key provisions in HB 1063 that lead us to oppose this bill.

HB 1063 would reestablish a pesticide advisory council to study the toxicity of various commonly used pesticides and make recommendations to the legislature regarding policy changes. The science regarding pesticides and their impacts on human health is abundant, and CCE does not support spending taxpayer dollars to revisit what is widely considered an accepted science.

Additionally, the current language establishes a pesticide advisory council that is heavily biased towards pro-pesticide interests. The Departments of Agriculture and Environmental Protection both actively promote and practice the use of toxic pesticides. The College of Agriculture at University of Connecticut actually receives financial support from the pesticide industry to conduct educational programming, and has not been an asset thus far in the state's efforts to transition towns to non-toxic or pesticide-free land management. A fair and balanced body to evaluate pest-management practices would be equally weighted in order to represent the diverse viewpoints regarding toxic vs. non-toxic land management (including but not limited to a physician or other licensed health professional with a background in children's health and a certified organic land care professional). The pesticide advisory council described in the current language does not create a balanced approach to addressing this issue and must not be supported.

Finally, the language allowing for the use of microbial and biochemical controls to deal with grubs needs clarification regarding which products can be used and when and how they should be applied. The current language aims to allow for the use of certain non-toxic, EPA-exempted pest control measures to deal with beetle grubs that can damage athletic fields and diminish their playability. This may include Aceleprin which is an effective treatment for grubs, but must be used in a judicious and targeted manner. Aceleprin has the potential to contaminate groundwater and as such has been classified as a restricted pesticide by the State of New York. Therefore, any application of Aceleprin must be a targeted, one-time application, not to be repeated without explicit written permission by DEEP.

In addition, the language dealing with grubs should explicitly require the regular use of non-toxic grub controls, including nematodes and milky spore, in addition to any emergency application of

Aceleprin. Non-toxic grub controls are safe and effective, but need to be used regularly and applied in a manner that is consistent with the instructions included on the products packaging. Cost effective, non-toxic treatments to deal with weeds and pests (including beetle grubs) exist and are widely available. This is demonstrated in a number of communities across Connecticut that were identified in a recent survey of towns as having no issues managing grubs or any other kinds of pests without pesticides. These include the towns of Stonington, Weston, Plainfield, Cheshire, Branford, and many others. Some of these towns have even gone above what is required by the law, by discontinuing pesticide use on public parks, town greens and athletic fields.

It is well documented that effective pest management without the use of toxic chemicals is achievable. CCE is opposed to his legislation and strongly cautions against weakening current law to cater to towns that have been ineffective in implementing these reasonable, effective children's health protections.

HB 5733: An Act Requiring the State Treasurer to Divest Funds from Fossil Fuels (SUPPORTIVE)

Fossil fuels are expensive, non-renewable, threaten human health, and contribute to global climate change. While Connecticut is adversely impacted by fossil fuels, the state continues to invest in fossil fuels companies that are causing the problem. The idea of disinvestment is simple. Transferring financial investments from fossil fuels to renewables (e.g., solar, wind, geothermal) uses the market to incentivize the necessary transition in the energy sector. The fossil fuel divestment movement has taken off across the globe, and Connecticut should act swiftly to join this movement and divest state funding from dirty fossil fuels. **CCE strongly supports divestment from fossil fuels and urges this committee to pass this legislation as soon as possible.**

On behalf of our members in Connecticut, we appreciate the opportunity to submit testimony and look forward to working with you on this important issue.